

S.D.N.Y. – W.P.
14-cv-7492
Briccetti, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of December, two thousand fifteen.

Present:

Reena Raggi,
Richard C. Wesley,
Christopher F. Droney,
Circuit Judges.

In re MPM Silicones, L.L.C.,

15-1682 (L); 15-1824 (Con)

Debtor.

The Reorganized Debtors move to dismiss the appeal as equitably moot. Appellants move to refer the Reorganized Debtors' motion to a merits panel. Upon due consideration, it is hereby ORDERED that the motion to dismiss is DENIED. The Reorganized Debtors may raise the issue of equitable mootness in their merits brief. *See, e.g., In re Metromedia Fiber Network, Inc.*, 416 F.3d 136, 144 (2d Cir. 2005) ("Because equitable mootness bears only upon the proper remedy, and does not raise a threshold question of our power to rule, a court is not inhibited from considering the merits before considering equitable mootness."). Appellants' motion is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe